

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Faith S. Hochberg
v. : Criminal No. 06-406 (FSH)
RICHARD J. LANE : O R D E R

This matter having been opened to the Court on the application of defendant Richard J. Lane (Richard Strassberg, Esq., appearing) for an order excluding time under the Speedy Trial Act, to permit defendant Lane to continue to prepare for trial, and the United States by Ralph J. Marra, Jr., Acting United States Attorney for the District of New Jersey (Joshua Drew and Paul Matey, Assistant U.S. Attorneys, appearing) having no objection thereto; the defendant being aware that he has a right to be tried within seventy days of his first appearance in this district in connection with this matter, pursuant to 18 U.S.C. § 3161(c)(1); the Court having found that an order granting a continuance of the proceedings in the above-captioned matter should be entered; and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. The charges in this case are the result of a lengthy investigation and involve allegations of securities fraud.

2. The Court previously declared this matter to be a complex case pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(ii), by order signed June 2, 2006.

3. By order signed November 1, 2007, the Court granted the defendant's motion for a separate trial from his co-defendant Frederick S. Schiff.

4. The Court has ruled, with the concurrence of all parties, including Mr. Schiff, that the defendant's trial shall commence after the trial of Mr. Schiff.

5. In the prosecution of Mr. Schiff, the United States is taking an appeal under Title 18, United States Code, Section 3731, with regard to certain orders of the Court.

6. The Court has continued Mr. Schiff's case pursuant to Title 18, United States Code, Section 3161(h)(1)(E), which provides for the exclusion of time resulting from "delay resulting from any interlocutory appeal," and "[t]his exclusion applies to appeals taken by the United States under 18 U.S.C. Section 3731." United States v. Tyler, 878 F.2d 753, 757 (3d Cir. 1989) (citation omitted).

7. Consistent with its earlier rulings, and in light of the continuance of Mr. Schiff's case pending the Government's appeal, a continuance of the defendant's trial is warranted.


8. The parties consent to this continuance.

9. Pursuant to Title 18, United States Code, Section 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

In light of these findings, and given the nature and complexity of this case,

IT IS, therefore, on this 21st day of January, 2009,

ORDERED that the period from and including January 30, 2009, through and including January 29, 2010, shall be excluded for the purposes of computing time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(1)(E), (h)(8)(A), and (h)(8)(B)(ii).


HON. FAITH S. HOCHBERG
United States District Judge